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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER	
ONUAKU, C	
ART UNIT	PAPER NUMBER

2615  
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/002,600

Applicant(s)  
Wugofski

Examiner  
Christopher Onuaku

Art Unit  
2615



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Feb 16, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 26 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 26 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-13,15-21,24&26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8-11,13, 17, 21, 24 & 26 rejected under 35 U.S.C. 102(b) as being anticipated by Young ( US 4,706,121).

Regarding claim 1, Young discloses in Fig.3,4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system ( see col.21, line 65 to col.22, line 26), the method comprising:

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time ( see Abstract and also col.7, line 60 to col.8, line);

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b) receiving user input at least partially determinative of a recording reminder time for the scheduled recording ( see col.7, line 60 to col.8, line 3; col.15, lines 20-27);

c) outputting a recording reminder signal at a time based on the recording reminder time, before the recording device initiates automatic execution of the scheduled data recording (see col.20, lines 40-65),

Regarding claim 2, Young discloses the method wherein scheduling a data recording for the recording device occurs before receiving input at least partially determinative of a recording reminder ( see col.15, lines 20-27).

Regarding claim 8, Young discloses the method wherein scheduling the data recording includes communicating a recording instruction to the computerized system, and wherein the method further comprises calculating and storing the recording reminder time based on at least the user input and at least a portion of the recording instruction before outputting the "reminder" signal ( see col.21, line 65 to col.22, line 26).

Regarding claim 9, Young discloses the method wherein the recording instruction includes a channel identifier, a start time, and an end time ( see col.14, lines 9-15; col.14, lines 55-66).

Regarding claim 10, Young discloses wherein outputting a reminder signal at

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the predetermined time before the time of the data recording includes comparing a system time to the recording reminder time (see col.20, lines 40-65).

Regarding claim 11, Young discloses in Fig.3, 4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system ( see col.21, line 65 to col.22, line 26), comprising:

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time ( see Abstract and also col.7, line 60 to col.8, line 3);

b) receiver for receiving one or more channel signals, each carrying one or more programs ( see col.7, line 33 to col.8, line 22).

c) a recording device, coupled to the receiver, for automatic recording one of the programs ( see VCR 150; col.7, line 60 to col.8, line 22);

d) means for receiving user input regarding a recording reminder time (see CPU 110; col.7, line 60 to col.8, line 22);

e) means for determining a recording reminder time for at least the one program based on the recording time and the user input regarding the recording reminder (see col.15, lines 20-27);

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f) an outputting device for outputting a reminder signal at the recording reminder time before the recording device initiates automatic recording of the one program (see col.20, lines 40-65);

g) means for causing the recording device to begin automatic recording of the one program independently of the determined recording reminder time (see col.20, lines 40-65)

Regarding claim 13, Young discloses wherein the output device comprises a computer and a display ( see CPU 110 and video display generator 136; col.7, line 60 to col.8, line 22)

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 1 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 17 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claims 1& 11 above, including the additional limitation of receiving “two or more reminder-time inputs”( see at least col.7, line 60 to col.8, line 22); here the user can schedule for recording more than one desired program, with each of the desired programs having its own different reminder time since the selected programs may run at different times.

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Regarding claim 26, Young discloses determining the recording reminder time based on the received user input, with the recording reminder time preceding the recording time for the scheduled recording by an amount of time based on the received user input ( see col.20, lines 40-65), at the time the user sets a reminder determines how long the monitoring of the reminder process by the system lasts before recording begins. For example, assuming the reminder is set at 2:00 pm by a user input for a program scheduled to record at 10:00 pm, then the monitoring then lasts from 2:00 pm to 10:00 pm, and if, on the other hand, the reminder is set at 1:00 pm, by the user input, for a program scheduled to record at 8:00 pm, the monitoring lasts from 1:00 pm to 8:00 pm.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6,12&15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Hoff ( US 5,467,197).

Regarding claim 4, Young fails to explicitly disclose the method wherein the recording reminder signal comprises outputting a message to a network communication device associated with at least one user of the computerized system. Hoff teaches the method wherein outputting

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the recording "reminder" signal comprises outputting message to a network communication device associated with at least one user of the computerized system ( see col. 10, line 29 to col. 11, line 48). It would have been obvious to one of ordinary skill to modify Young by realizing Young with the means to output reminder messages to a network communication device, as taught by Hoff, which would increase the dynamic range of Young.

Regarding claim 5, Hoff teaches the method wherein outputting the "reminder" signal comprises outputting a message concerning the scheduled recording to a pager ( see col.3, lines 23-27, and col.5, lines 29-45). Again, it would have been obvious to one of ordinary skill in the art to modify Young by realizing Young with the means to output reminder messages concerning the scheduled recording to a pager, as taught by Hoff, in order to output to reminder messages concerning the scheduled recording to a paging system.

Regarding claim 6, Hoff teaches the method wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone( see col.5, lines 29-45). It would have been obvious to modify Young by realizing Young with the means wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone in order to output reminder signals including a verbal message, a textual message, or an audible tone.

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Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 4 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

6. Claims 7,16&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Strubbe et al ( US 5,047,867).

Regarding claims 7,16&20, Young fails to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49. Including a message concerning recording media in outputting a reminder signal makes the total message more complete, and more easily understandable. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by Strubbe, thereby making the total message more complete, and more easily understandable.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The

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examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

**Or:**


(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

  
COO

5/4/01

  
WENDY R. GARBER  
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